

13

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH
CUTTACK

O.A. 71/2001

Date of order: 26.05.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. H.P. Das, Administrative Member.

Binay Bhusan Mishra

-versus-

Union of India and Ors.

For the applicants : Mr. A. K. Mishra, counsel.

For the respondents : Mr. J.K. Nayak, counsel.
Mr. T. Dash, counsel.

O R D E R

Per Justice B. Panigrahi, VC

Upon perusal of the order dated 12.5.2004 it appears that the applicant was directed to produce the T.V. No. wherein he claims to have refunded the advance amount towards motor car and house building advances.

2. Mr. Mishra, ld. counsel appearing for the applicant has submitted that since his client has been hospitalised in Chennai, therefore, it was not possible for him to comply with the direction of the Tribunal. Since no document filed by the applicant showing payment to the respondent No.2 towards the motor car advance etc. we are, therefore, constrained to raise adverse inference against the applicant.

3. In this background we will have to examine the extent of applicant's liability in reference to the counter submitted by the respondent No. 3.

4. From the counter it is seen that Rs.1,38,681/- is to be recovered from the balance gratuity. Mr. Nayak, ld. counsel appearing

for the respondent No. 3 has submitted that after deducting Rs.1,38,681/- the balance gratuity amount has already been released in favour of the applicant. It is also seen from the counter that the respondent authorities have calculated interest upon interest to the tune of Rs.32,800/- towards motor car advance which was given to the applicant to the tune of Rs.22,000/- upon which Rs.30,800/- was calculated as interest. Hence the respondent Nos. 2 and 3 could not have imposed further interest of Rs.32,800/-. Therefore, such calculations apparently is wrong and be quashed accordingly. Mr. Nayak, ld. counsel has submitted that the amount of Rs.32,800/- which was deducted under a wrong impression was subsequently released on 10.4.2001 to the applicant. The applicant has retired from service w.e.f. Feb 1997. In that event we are unable to understand why they retained the amount of Rs.32,800/- from February 1997 till April 2001 and on further consideration it appears that outstanding M.C. Advance and interest thereon amounting to Rs.32,800/- has also been reflected twice in the accounts slip. Therefore, the accounts slip submitted by the respondent No.3 does not reflect the true picture. Be that as it may, since the matter is lingering over the years and amount of Rs.32,800/- was withheld without rhyme or reason by the respondents, therefore, we quantify Rs.2000/- as consolidated interest to be payable by respondent Nos. 2 & 3 to the applicant on this score which shall be paid within 2 months from date. Since all other amounts have already been adjusted, no further direction need be given in this case.

5. With the above observation application is disposed of.
No costs.

H. B. Sharma

Member (A)

B. S. Grewal

Vice-Chairman.